

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.622(i),) MB Docket No. 14-1
Post-Transition Table of DTV Allotments,) RM-11710
Television Broadcast Stations.)
(South Bend, Indiana))

REPORT AND ORDER
(Proceeding Terminated)

Adopted: March 19, 2014

Released: March 19, 2014

By the Chief, Video Division, Media Bureau:

1. The Commission has before it a Notice of Proposed Rulemaking¹ issued in response to a petition for rulemaking filed by LeSEA Broadcasting of South Bend, Inc. (“LeSEA”),² the licensee of station WHME-TV, channel 48, South Bend, Indiana.³ Previously, on March 2, 2010, the Commission substituted channel 46 for channel 48 at LeSEA’s request.⁴ LeSEA now seeks to return to its previously allotted channel 48 at South Bend.

2. LeSEA filed comments reaffirming its interest in the proposed channel substitution. LeSEA re-states that it believes that “grant of this reallocation would serve the public interest by allowing LeSEA to continue to operate its currently licensed facilities and to channel the monies it would have spent building out channel 46 facilities into its current service.”⁵ LeSEA also notes that this channel substitution “can and would be done in conformity with WHME-TV’s current licensed parameters which have already been approved by the Commission.”⁶

3. We believe that the public interest will be served by substituting channel 48 for channel 46 at South Bend, Indiana for the reasons stated by LeSEA in its petition and comments. Channel 48 can be substituted for channel 46 at South Bend as proposed and in compliance with the principal community coverage requirements of Section 73.625(a) of the Commission’s rules at coordinates 41-35-43 N. and 86-09-38 W. In addition, we find that this channel change meets the technical requirements set forth in sections 73.616 and 73.623 of the Commission’s

¹ *South Bend, Indiana*, Notice of Proposed Rulemaking, DA 14-26 (Vid. Div. rel. Jan. 9, 2014) (granted waiver of the Commission’s freeze on the filing of petitions for rulemaking by television stations seeking a channel substitution, *Freeze on the Filing of Petitions for Digital Channel Substitutions*, Public Notice, 26 FCC Rcd 7721 (MB 2011)).

² LeSEA Petition for Rulemaking (filed Oct. 25, 2013) (“LeSEA Petition”).

³ LeSEA was originally assigned channel 48 at South Bend in the Post-Transition Table of DTV Allotments and continues to operate on that channel. LeSEA Petition at n.1.

⁴ *South Bend, Indiana*, Report and Order, 24 FCC Rcd 5731 (2009). LeSEA’s channel 46 construction permit expired on March 8, 2014, and the station is currently operating on channel 48 pursuant to a Special Temporary Authorization (FCC File No. BLDSTA-20140219AAG (granted Feb. 25, 2014)).

⁵ LeSEA Comments at 2 (filed Feb. 19, 2014).

⁶ *Id.*

rules with the following specifications:

City and State	Channel	Power (kW)	Antenna HAAT (meters)	Service Pop. (thous.)
South Bend, Indiana	48	300	295	1,242

4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's rules, IT IS ORDERED, That effective 30 days after the date of publication of this Report and Order in the Federal Register, the Post-Transition Table of DTV Allotments, Section 73.622(i) of the Commission's rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>City and State</u>	<u>Channel Nos.</u>
South Bend, Indiana	22, *35, 42, 48

5. IT IS FURTHER ORDERED, That within 30 days of the effective date of this Order, LeSEA Broadcasting of South Bend, Inc. shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying channel 48 in lieu of channel 46.

6. The Commission will send a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A).

7. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

8. For further information concerning the proceeding listed above, contact Adrienne Y. Denysyk, Media Bureau, (202) 418-2651.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau